

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

VICTORIA L. FRAZIER,

Plaintiff,

v.

CIVIL ACTION NO.
3:11-cv-00497-JRS

EXPERIAN INFORMATION SOLUTIONS,
INC.; TRANS UNION, LLC; AND LITTON
LOAN SERVICING, L.P.;

Defendants.

**DEFENDANT TRANS UNION LLC'S
ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT**

Trans Union LLC ("Trans Union"), by counsel, files its Answer and Defenses to Victoria L. Frazier's ("Plaintiff") Complaint ("Complaint"). The paragraph numbers below correspond to the paragraph numbers contained in the Plaintiff's Complaint to the extent possible.

INTRODUCTION

1. Trans Union admits that Plaintiff's Complaint purports to assert claims under the Fair Credit Reporting Act ("FCRA"). Trans Union denies that it has any liability to Plaintiff and denies the remainder of the allegation contained in paragraph 1 of the Complaint.

JURISDICTION

2. Trans Union admits that the Court has jurisdiction pursuant to 15 U.S.C. § 1681p and 28 U.S.C. § 1331. Trans Union admits that it maintains a registered agent in Richmond, Virginia. Trans Union admits that venue is appropriate in this Court. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2 of the Complaint and, therefore, denies same

PARTIES

3. Trans Union admits that Plaintiff is a “consumer” as defined by the FCRA. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 3 of the Complaint and, therefore, denies same.

4. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint and, therefore, denies same.

5. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint and, therefore, denies same.

6. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint and, therefore, denies same.

7. Trans Union admits that it is a limited liability company organized under the laws of the State of Delaware, and is authorized to do business in Virginia.

8. Trans Union admits that it is a “consumer reporting agency” as defined by the FCRA. Trans Union admits the remaining allegations in paragraph 8 of the Complaint.

9. Trans Union admits that it assembles consumer credit information for the purpose of furnishing consumer reports to third parties.

10. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and, therefore, denies same.

FACTS

11. Trans Union admits that on May 12, 2010, Plaintiff contacted Trans Union to obtain a copy of her credit file and at that point no mortgage account or Litton Loan Servicing account was appearing on Plaintiff’s Trans Union credit file. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and, therefore, denies same.

12. Trans Union admits that on February 7, 2011, it received a dispute correspondence from Plaintiff regarding the Litton Loan Servicing account. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and, therefore, denies same.

13. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and, therefore, denies same.

14. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint and, therefore, denies same.

15. Trans Union admits that on February 16, 2011, it forwarded its reinvestigation results to Plaintiff.

16. Trans Union admits that on March 10, 2011, it received a dispute correspondence from Plaintiff regarding the Litton Loan Servicing account. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint and, therefore, denies same.

17. Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint and, therefore, denies same.

18. Trans Union admits that on March 18, 2011, it forwarded its reinvestigation results to Plaintiff.

19. Trans Union denies the allegations contained in paragraph 19 of the Complaint. As to the other Defendants, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint and, therefore, denies same.

20. Trans Union denies the allegations contained in paragraph 20 of the Complaint. As to the other Defendants, Trans Union lacks knowledge or information sufficient to form a

belief as to the truth of the allegations contained in paragraph 20 of the Complaint and, therefore, denies same.

21. Trans Union denies the allegations contained in paragraph 21 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and, therefore, denies same.

22. Trans Union admits that it requested verification from Litton Loan Servicing regarding Plaintiff's February 7, 2011 and March 10, 2011 disputes of account #....6723. As to the remaining allegations, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint and, therefore, denies same.

COUNT ONE: VIOLATION OF FAIR CREDIT REPORTING ACT
15 U.S.C. § 1681e(b)
(EXPERIAN and TRANS UNION)

23. Trans Union restates and incorporates its responses to paragraphs 1 – 22 above as though fully stated herein.

24. Trans Union denies the allegations contained in paragraph 24 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint and, therefore, denies same.

25. Trans Union denies the allegations contained in paragraph 25 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint and, therefore, denies same.

26. Trans Union denies the allegations contained in paragraph 26 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint and, therefore, denies same.

27. Trans Union denies the relief sought and the allegations contained in paragraph 27 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint and, therefore, denies same.

COUNT TWO: VIOLATION OF FAIR CREDIT REPORTING ACT
§15 U.S.C 1681i(a)(1)
(EXPERIAN and TRANS UNION)

28. Trans Union restates and incorporates its responses to paragraphs 1 – 27 above as though fully stated herein.

29. Trans Union denies the allegations contained in paragraph 29 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint and, therefore, denies same.

30. Trans Union denies the allegations contained in paragraph 30 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint and, therefore, denies same.

31. Trans Union denies the allegations contained in paragraph 31 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint and, therefore, denies same.

32. Trans Union denies the relief sought and the allegations contained in paragraph 32 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint and, therefore, denies same.

COUNT THREE: VIOLATION OF FAIR CREDIT REPORTING ACT
§15 U.S.C 1681i(a)(2)
(EXPERIAN and TRANS UNION)

33. Trans Union restates and incorporates its responses to paragraphs 1 – 32 above as though fully stated herein.

34. Trans Union denies the allegations contained in paragraph 34 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint and, therefore, denies same.

35. Trans Union denies the allegations contained in paragraph 35 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint and, therefore, denies same.

36. Trans Union denies the allegations contained in paragraph 36 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint and, therefore, denies same.

37. Trans Union denies the relief sought and the allegations contained in paragraph 37 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Complaint and, therefore, denies same.

COUNT FOUR: VIOLATION OF FAIR CREDIT REPORTING ACT
§15 U.S.C 1681i(a)(4)
(EXPERIAN and TRANS UNION)

38. Trans Union restates and incorporates its responses to paragraphs 1 – 37 above as though fully stated herein.

39. Trans Union denies the allegations contained in paragraph 39 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the Complaint and, therefore, denies same.

40. Trans Union denies the allegations contained in paragraph 40 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the Complaint and, therefore, denies same.

41. Trans Union denies the allegations contained in paragraph 41 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of the Complaint and, therefore, denies same.

42. Trans Union denies the relief sought and the allegations contained in paragraph 42 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 of the Complaint and, therefore, denies same.

COUNT FIVE: VIOLATION OF FAIR CREDIT REPORTING ACT
§15 U.S.C 1681i(a)(5)(A)
(EXPERIAN and TRANS UNION)

43. Trans Union restates and incorporates its responses to paragraphs 1 – 42 above as though fully stated herein.

44. Trans Union denies the allegations contained in paragraph 44 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint and, therefore, denies same.

45. Trans Union denies the allegations contained in paragraph 45 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint and, therefore, denies same.

46. Trans Union denies the allegations contained in paragraph 46 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the Complaint and, therefore, denies same.

47. Trans Union denies the relief sought and the allegations contained in paragraph 47 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint and, therefore, denies same.

48. 46.[sic] Trans Union denies the relief sought and the allegations contained in misnumbered paragraph 46 of the Complaint. As to the other Defendant, Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 46 of the Complaint and, therefore, denies same.

COUNT SIX: VIOLATION OF FAIR CREDIT REPORTING ACT
15 U.S.C. §1681S-2(b)(1)(A)
(LITTON)

49. 47.[sic] Trans Union restates and incorporates its responses to misnumbered paragraphs 1 – 47 above as though fully stated herein.

50. 48.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 48 of the Complaint and, therefore, denies same.

51. 49.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 49 of the Complaint and, therefore, denies same.

52. 50.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 50 of the Complaint and, therefore, denies same.

53. 51.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 51 of the Complaint and, therefore, denies same.

COUNT SEVEN: VIOLATION OF FAIR CREDIT REPORTING ACT
§15 U.S.C. 1681s-2(b)(1)(B)
(LITTON)

54. 52.[sic] Trans Union restates and incorporates its responses to misnumbered paragraphs 1 – 51 above as though fully stated herein.

55. 53.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 53 of the Complaint and, therefore, denies same.

56. 54.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 54 of the Complaint and, therefore, denies same.

57. 55.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 55 of the Complaint and, therefore, denies same.

58. 56.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 56 of the Complaint and, therefore, denies same.

**COUNT EIGHT: VIOLATION OF FAIR CREDIT REPORTING ACT
15 U.S.C. §1681s-2(b)(1)(C) and (D)
(LITTON)**

59. 57.[sic] Trans Union restates and incorporates its responses to misnumbered paragraphs 1 – 56 above as though fully stated herein.

60. 58.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 58 of the Complaint and, therefore, denies same.

61. 59.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 59 of the Complaint and, therefore, denies same.

62. 60.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 60 of the Complaint and, therefore, denies same.

63. 61.[sic] Trans Union lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in misnumbered paragraph 61 of the Complaint and, therefore, denies same.

Trans Union denies the relief sought in the judgment paragraph of the Complaint.

Trans Union admits that Plaintiff requests a trial by jury.

DEFENSES

64. At all relevant times, Trans Union maintained and followed reasonable procedures to avoid violations of the Fair Credit Reporting Act and assure maximum possible accuracy of the information concerning Plaintiff in preparing consumer reports related to Plaintiff.

65. Trans Union alleges that any alleged damages to Plaintiff, which Trans Union continues to deny, are the result of the acts or omissions of Plaintiff or others, over whom Trans Union has no control and for whom Trans Union has no responsibility.

66. Trans Union, in compliance with the Fair Credit Reporting Act, reasonably and completely reinvestigated and verified, updated, or removed all information disputed by Plaintiff.

67. Trans Union at all times acted in compliance with the Fair Credit Reporting Act.

68. Trans Union has not published any false, inaccurate or defamatory information to a third-party regarding Plaintiff and has not acted with negligence, malice, actual malice, or willful intent to injure.

69. Plaintiff's claims for exemplary or punitive damages and the FCRA damage model violate the Due Process and Double Jeopardy Clauses of the Fifth Amendment, the Excessive Fines Clause of the Eighth Amendment, and the laws of the State of Virginia.

WHEREFORE, PREMISES CONSIDERED, Defendant Trans Union LLC, respectfully requests that this Honorable Court deny the relief requested in Plaintiff's Complaint, dismiss the action in its entirety, grant Trans Union its costs of suit and expenses incurred herein, including reasonable attorneys' fees, and for such other and further relief as the court deems just.

Respectfully submitted,

/s/

Grant E. Kronenberg
Virginia Bar Number 65647
Attorney for Trans Union LLC
Morris & Morris, P.C.
11 S. 12th Street, 5th Floor
P.O. Box 30
Richmond, VA 23218
Telephone: (804) 344-6334
Facsimile: (804) 344-8359
gkronenberg@morris-morris.com

DATED: August 30, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record registered to use the CM/ECF system in this action, as follows:

Leonard Anthony Bennett
lenbennett@cox.net
Consumer Litigation Assoc PC
12515 Warwick Blvd., Suite 100
Newport News, VA 23606
Tel: (757) 930-3660
Fax: (757) 930-3662
And
Kristi Cahoon Kelly
kkelly@smillaw.com
Surovell Isaacs Petersen & Levy PLC
4010 University Dr., Suite 200
Fairfax, VA 22030
Tel: (703) 277-9774
Fax: (703) 591-2149
Counsel for Plaintiff

/s/

Grant E. Kronenberg
Virginia Bar Number 65647
Attorney for Trans Union LLC
Morris & Morris, P.C.
11 S. 12th Street, 5th Floor
P.O. Box 30
Richmond, VA 23218
Telephone: (804) 344-6334
Facsimile: (804) 344-8359
gkronenberg@morrismorris.com